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10/669,717	09/25/2003	Masanori Yoshida	0879-0417P	6372
2292	7590	07/29/2008	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				ALMATRAHI, FARIS S
ART UNIT		PAPER NUMBER		
3627				
NOTIFICATION DATE			DELIVERY MODE	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/669,717	YOSHIDA, MASANORI	
	<b>Examiner</b>	<b>Art Unit</b>	
	FARIS ALMATRAHI	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 April 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-17 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/22/2008.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Status of the Application*

1. This action is in reply to applicant amendment filed April 9, 2008.
2. Claims 1, 2, 4-5, 7, 9-14, and 16-17 have been amended.
3. Claims 1-17 are pending in this application.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claims 1-16** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. **Claim 1** recites the limitation "a first client computer communication device which wirelessly communicates with the portable apparatus communication device to receive the customer information from the portable apparatus communication device and send the shop information to the first portable apparatus communication device". There is insufficient antecedent basis for this limitation in the claim. Applicant did not specify as to what "the first portable apparatus" he is referring to.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-17** are rejected under 35 U.S.C 103(a) as being unpatentable over Barnes (US Publication No. 2003/0220835 A1) in view of Iwase et al. (US Publication No. 2002/0165803 A1).

9. Regarding Claims 1 and 17, Barnes discloses a customer solicitation support system, comprising: a portable apparatus which is carried by a customer (Paragraph [0034]); a plurality of client computers which are installed in shops (Paragraph [0187]); and a server which exchanges information among the plurality of client computers (Paragraph [0046]),

- wherein the portable apparatus comprises: a portable apparatus display device which displays shop information indicating shops having stock of a product desired by the customer (Abstract, Figure 1, Paragraphs [0274] – [0275]) ; and a portable apparatus communication device which wirelessly communicates with the client computers to send customer information indicating the customer carrying, the portable apparatus and receive the shop information displayed on the portable apparatus display device from one of the client computers closest to the customer, wherein the portable apparatus communication device wirelessly

communicates customer information, which includes the product desired by the customer (Abstract, Figures 1-3, Paragraph [0078], Paragraphs [0274] – [0275]);

- wherein each of the client computers comprises: a first client computer communication device which wirelessly communicates with the portable apparatus communication device to receive the customer information from the portable apparatus communication device and send the shop information to the first portable apparatus communication device (Figures 2-3, Paragraphs [0274] – [0275]; and a second client computer communication device which sends the customer information received by the first client computer communication device to the server and receives the shop information sent by the first client computer communication device from the server (Abstract, Figures 2-3, Paragraph [0013], Paragraphs [0274] – [0275]); and
- wherein the server comprises: a server communication device which receives the customer information from the portable apparatus via the client computers wirelessly communicating with the portable apparatus and sends the shop information which the portable apparatus display device is caused to display (Abstract, Figures 2-3, Paragraph [0046]); a customer information database which manages desired product information in association with customer information of each customer (Paragraphs [0277] – [0279]); a stock information database which manages stocked product information indicating stocked products in association with shop information of each shop (Paragraph [0273] – [0275]); an extraction device which, upon receiving the customer information via

the server communication device, extracts the desired product information associated with the customer information from the customer information database based upon the received customer information (Paragraphs [0281] – [0283]; and a control device which compares the desired product information extracted by the extraction device and the stocked product information registered in the stock information database, retrieves stocked product information coinciding with the desired product information, and outputs the shop information associated with the retrieved stocked product information to the server communication device (Paragraphs [0187] – [0190], Paragraph [0283]).

10. Although Barnes discloses a server that performs the functional limitation of the databases disclosed in the instant application, Barnes does not distinctly distinguish the databases as a customer information database and stock information database.

11. However, Iwase discloses a customer solicitation support system wherein the server comprises a customer information database and stock information database (Abstract, Figures 1-4).

12. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Iwase in the device of Barnes reference to include a customer solicitation support system wherein the server comprises a customer information database and stock information database, for the advantage of providing an information processing system capable of providing commodity information to customers and easily providing information on the use of purchased commodities (Iwase, Paragraph [0009]).

13. Regarding Claims 2 and 5, Barnes discloses a customer solicitation support system, further comprising: a customer information input apparatus which comprises: an input device which inputs customer information indicating the customer carrying the portable apparatus together with the desired product information associated with the product desired by the customer (Abstract, Paragraph [0035]); and a customer information input apparatus communication device which communicates with the server communication device and sends the desired product information and the customer information inputted by the input device to the server (Figures 1-3, Paragraph [0042]).

14. Regarding Claims 3 and 6, Barnes discloses a customer solicitation support system, wherein the input device is capable of inputting a face image of the customer together with the desired product information and the customer information (Figure 1, Paragraph [0106]).

15. Regarding Claims 4 and 7, Barnes discloses a customer solicitation support system, wherein: each of the client computers comprises a client computer display device which displays the face image of the customer and desired product information and the server communication device sends the face image of the customer and the desired product information which the second display device is caused to display (Figures 1-3, Paragraphs [0109] – [0110]).

16. Regarding Claim 8, Barnes discloses a customer solicitation support system, wherein the shop information includes location information of the shops (Abstract, Paragraph [0099]).

17. Regarding Claim 9, Barnes discloses a customer solicitation support system, wherein: the server comprises a customer existing location detection device which detects an existing location of the customer and the control device outputs the shop information of the shop close to the existing location of the customer, which is detected by the customer existing location detection device, preferentially to the server communication device among the shop information associated with the retrieved stocked product information (Abstract, Figure 3, Paragraphs [0292] – [0295]).

18. Regarding Claim 10, Barnes discloses a customer solicitation support system, wherein: each of the portable apparatus communication device of the portable apparatus and the first client computer communication device of the client computers is a short-range wireless communication device which performs wireless communication only in a predetermined communication area (Paragraph [0031]); and the customer existing location detection device of the server detects the customer existing location based upon an installation location of the client computer which has sent the customer information to the server (Abstract, Figure 3, Paragraphs [0292] – [0295]).

19. Regarding Claim 11, Barnes discloses a customer solicitation support system, wherein each of the portable apparatus communication device of the portable device and the first client computer communication device of the client computers is a short-range wireless communication device of the Bluetooth standard (Paragraph [0048]).

20. Regarding Claim 12, Barnes discloses a customer solicitation support system, wherein: the stocked product information managed by the stock information database includes prices of the stocked products and the control device outputs the shop

information of the shop, which sets low prices to the stocked products, preferentially to the server communication device among the shop information associated with the retrieved stocked price information (Paragraph [0177], Paragraph [0187]).

21. Regarding Claims 13-15, Barnes discloses a customer solicitation support system, wherein: each of the client computers comprises an input device which inputs stocked product information (Paragraphs [0266] – [0269]); each of the client computers sends the shop information to the server together with the stocked product information via the second client computer communication device (Paragraph [0273] – [0279]); each of the client computers comprises an input device which inputs product purchase information indicating that the customer has purchased the desired product (Paragraphs [0104], [0269]); each of the client computers sends the customer information to the server together with the product purchase information inputted by the input device via the second client computer communication device (Paragraph [0104], Paragraphs [0128] – [0130]).

22. Barnes fails to explicitly disclose a customer solicitation support system wherein the server comprises a database management device which manages terms of validity for the desired product information registered in the customer information database and the stocked product information registered in the stock information database, respectively, and deletes the desired product information and the stock product information, the terms of validity of which have expired, from the customer information database and the stock information database.

23. However, Iwase discloses a customer solicitation support system wherein the server comprises a database management device which manages terms of validity for the desired product information registered in the customer information database and the stocked product information registered in the stock information database, respectively, and deletes the desired product information and the stock product information, the terms of validity of which have expired, from the customer information database and the stock information database (Abstract, Figures 1-3, Paragraph [0075], Paragraph [0150]).

24. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Iwase in the device of Barnes reference to include a customer solicitation support system wherein the server comprises a database management device which manages terms of validity for the desired product information registered in the customer information database and the stocked product information registered in the stock information database, respectively, and deletes the desired product information and the stock product information, the terms of validity of which have expired, from the customer information database and the stock information database, for the advantage of providing an information processing system capable of providing commodity information to customers and easily providing information on the use of purchased commodities (Iwase, Paragraph [0009]).

25. Regarding Claim 16, Barnes discloses a customer solicitation support system, wherein: each of the portable apparatus communication device of the portable apparatus and the first client computer communication device of the client computers is

a short-range wireless communication device which performs wireless communication only in a predetermined communication area (Paragraph [0031]); each of the client computers sends information, which indicates whether or not the each of the client computer is wirelessly connected to the portable apparatus, to the server via the second client computer communication device (Abstract, Figure 3, [Paragraph [0112], Paragraphs [0292] – [0295]).

26. Barnes fails to explicitly disclose a server comprising a database management device which, upon receiving information, which indicates that the portable apparatus is not wirelessly connected to the each of the client computers, via the server communication device, deletes the customer information corresponding to the portable apparatus from the customer information database.

27. However, Iwase discloses a server comprising a database management device which, upon receiving information, which indicates that the portable apparatus is not wirelessly connected to the each of the client computers, via the server communication device, deletes the customer information corresponding to the portable apparatus from the customer information database (Abstract, Figures 1-3, Paragraph [0075], Paragraph [0150]).

28. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Iwase in the device of Barnes reference to include a server comprising a database management device which, upon receiving information, which indicates that the portable apparatus is not wirelessly connected to the each of the client computers, via the server communication device,

deletes the customer information corresponding to the portable apparatus from the customer information database, for the advantage of providing an information processing system capable of providing commodity information to customers and easily providing information on the use of purchased commodities (Iwase, Paragraph [0009]).

***Response to Arguments***

29. Applicant's arguments filed on April 9, 2008 have been fully considered but they are not persuasive

30. In light of applicant's choice to pursue system claims, Applicant is reminded that the statements of intended use or field of use,[a]"adapted to" or "adapted for" clauses, b) "wherein" clauses, or c) "whereby"] clauses are essentially method limitations or statements or intended or desired use. Thus, these claims as well as other statements of intended use do not serve to patentably distinguish the claimed structure over that of the reference. See In re Pearson, 181 USPQ 641; In re Yanush, 177 USPQ 705; In re Finsterwalder, 168 USPQ 530; In re Casey, 512 USPQ 235; In re Otto, 136 USPQ 458; Ex parte Masham, 2 USPQ 2nd 1647. See also MPEP §§ 31.06 II (c.), 2114 and 2115.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faris Almatrahi whose telephone number is (571)270-3326. The examiner can normally be reached on Monday to Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627

Faris Almatrahi  
Examiner  
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FA